

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

UNITED STATES OF AMERICA,)
)
) Plaintiff,)

v.)

ERIC GATHINGS,)
a/k/a “Pulu”)
[DOB: 07/29/1974])

and)

BRANDY KEY)
a/k/a “Aleesha,” “Brandy Wheeler”)
[DOB: 11/07/1971])

Defendants.)

No. _____

COUNT ONE:

18 U.S.C. §§ 1591(a), 1591(b)(1) and 1594(a)

**Sex Trafficking of an Adult by Force,
Fraud or Coercion**

DEFENDANT GATHINGS

[NLT: Fifteen Years Imprisonment,
Five Years Supervised Release;
NMT: Life Imprisonment, \$250,000 Fine,
Life Supervised Release,
Plus \$100 Special Assessment]
Class A Felony

COUNT TWO:

18 U.S.C. §§ 1591(a), 1591(b)(2), 1594(a) and 2

Sex Trafficking of a Minor

BOTH DEFENDANTS

[NLT: Ten Years Imprisonment,
Five Years Supervised Release;
NMT: Life Imprisonment, \$250,000 Fine,
Life Supervised Release,
Plus \$100 Special Assessment]
Class A Felony

COUNT THREE:

18 U.S.C. §§ 922(g)(1) and 924(a)(2)

Felon in Possession of a Firearm

DEFENDANT GATHINGS

NMT: Ten Years Imprisonment, \$250,000 Fine,
Three Years Supervised Release,
Plus \$100 Mandatory Special Assessment]
Class C Felony

COUNT FOUR:

21 U.S.C. §§ 846, 859(a), 841(b)(1)(D)

**Conspiracy to Distribute a Controlled
Substance to a Person Under 21-Years Old**

DEFENDANT GATHINGS

[NLT: One Year Imprisonment,

) Two Years Supervised Release;
) NMT: Five Years Imprisonment, \$250,000 Fine,
) Plus \$100 Special Assessment]
) Class D Felony
)

) COUNT FIVE

) 18 U.S.C. § 875(c)

) **Use of Interstate Facility to Threaten a
) Person**

) DEFENDANT GATHINGS

) [NMT: Five Years Imprisonment,
) \$250,000 Fine, Three Years Supervised Release,
) Plus, \$100 Special Assessment]
) Class D Felony
)

) COUNTS SIX - SEVEN:

) 18 U.S.C. §§ 1952(a) and 2

) **Use of an Interstate Facility to Facilitate
) Unlawful Activity**

) Count Six: DEFENDANT GATHINGS

) Count Seven: BOTH DEFENDANTS

) [NMT: Five Years Imprisonment,
) \$250,000 Fine, Three Years Supervised
) Release, Plus \$100 Special Assessment]
) Class D Felony
)

) ALLEGATION OF FORFEITURE

) Maximum Penalty if Convicted on All Counts:

) DEFENDANT GATHINGS:

) [NLT: Twenty-six Years Imprisonment, Twelve
) Years Supervised Release, Order of Restitution;
) NMT: Life Imprisonment, \$1,750,000 Fine,
) Life Supervised Release,
) Plus \$700 Special Assessment]
)

) DEFENDANT KEY:

) [NLT: Ten Years Imprisonment, Five Years
) Supervised Release, Order of Restitution;
) NMT: Life Imprisonment, \$500,000 Fine,
) Life Supervised Release,
) Plus \$200 Special Assessment]
)

INDICTMENT

THE GRAND JURY CHARGES THAT:

COUNT ONE

(Sex Trafficking of an Adult by Force, Fraud or Coercion)

Between on or about August 18, 2008, continuing through on or about September 14, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS**, defendant herein, knowingly, in and affecting interstate and foreign commerce, recruited, enticed, harbored, transported, provided and obtained by any means, a person, namely FV 1, and benefitted financially and by receiving something of value from participation in a venture which engaged in such acts, knowing that force, fraud, and coercion would be used to cause FV 1 to engage in a commercial sex act; and attempted to do so.

All in violation of Title 18, United States Code, Sections 1591(a), 1591(b)(1) and 1594(a).

COUNT TWO

(Sex Trafficking of a Minor)

Between on or about June 1, 2009, continuing through on or about December 31, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS** and **BRANDY KEY**, defendants herein, aiding and abetting one another and others, knowingly, in and affecting interstate and foreign commerce, recruited, enticed, harbored, transported, provided and obtained by any means, a person, namely FV 2, and benefitted financially and by receiving something of value from participation in a venture which engaged in such acts, knowing that FV 2 had not obtained the age of 18 years and that FV 2 would be caused to engage in a commercial sex act; and attempted to do so.

All in violation of Title 18, United States Code, Sections 1591(a), 1591(b)(2), 1594(a) and 2.

COUNT THREE
(Felon in Possession of a Firearm)

On or about July 4, 2009, continuing through on or about August 13, 2009, in the Western District of Missouri, the defendant, **ERIC GATHINGS**, having been convicted of a crime punishable by imprisonment for a term exceeding one year, knowingly possessed a firearm, to wit: Savage Arms, Stevens Model 58, 12 gauge caliber, bolt action shot gun, sawed off, without a serial number, which had been transported in and affected interstate commerce.

All in violation of Title 18, United States Code, Sections 922(g)(1) and 924(a)(2).

COUNT FOUR
(Conspiracy to Distribute a Controlled Substance to a Person Under 21-Years Old)

Between on or about June 1, 2009, continuing through on or about December 31, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS**, defendant herein, knowingly and intentionally combined, conspired, confederated, and agreed with others both known and unknown to the grand jury to distribute marijuana, a Schedule I controlled substance, to FV, a person under twenty-one years of age; and did so while being over the age of eighteen years of age.

All in violation of Title 21, United States Code, Sections 846, 859(a), and 841(b)(1)(D).

COUNT FIVE
(Use of an Interstate Facility to Threaten a Person)

On or about September 25, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS**, defendant herein, knowingly transmitted and attempted to transmit, in interstate commerce a communication containing a threat to injure the person of another, specifically, to locate and choke FV 2.

All in violation of Title 18, United States Code, Section 875(c).

COUNT SIX

(Use of an Interstate Facility to Facilitate Unlawful Activity)

Between on or about August 18, 2008, continuing through on or about September 14, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS**, defendant herein, knowingly used a facility of interstate commerce with the intent to commit a crime of violence against FV 1 to further unlawful activity and otherwise promote, establish, carry on, and facilitate the promotion, establishment and carrying on, of unlawful activity, to wit: prostitution in violation of Mo. St. 567.020, and sex trafficking of an adult by force, fraud and coercion, in violation of 18 U.S.C. §§ 1591(a) and (b)(1), as alleged in Count One of this Indictment; and attempted to do so.

All in violation of Title 18, United States Code, Sections 1952(a).

COUNT SEVEN

(Use of an Interstate Facility to Facilitate Unlawful Activity)

Between on or about June 1, 2009, continuing through on or about December 31, 2009, in the Western District of Missouri and elsewhere, **ERIC GATHINGS** and **BRANDY KEY**, aiding and abetting one another and others, defendants herein, knowingly used a facility of interstate commerce with the intent to distributed the proceeds of unlawful activity and commit a crime of violence against FV 2 to further unlawful activity and otherwise promote, establish, carry on, and facilitate the promotion, establishment and carrying on, of unlawful activity, to wit: prostitution in violation of Mo. St. 567.020, and Sex Trafficking of a Minor, in violation of 18 U.S.C. §§ 1591(a) and (b)(2), as alleged in Count Two of this Indictment; and attempted to do so.

All in violation of Title 18, United States Code, Sections 1952(a) and 2.

ALLEGATION OF FORFEITURE

1. The allegations contained in Counts One through Eight of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Sections 982(a)(1), 1591, 1593(b)(4), 1594(d), and Title 28, United States Code, Section 2461(c).

2. Upon conviction of the offenses in violation of Title 18, United States Code, Sections 1591 and 1592, set forth in Counts One through Two of this Indictment, the defendant, **ERIC GATHINGS**, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Sections 982(a)(1), 1591, 1593(b)(4), 1594(d), and Title 28, United States Code, Section 2461(c), any property, real or personal, which was involved in the offenses, or which constitutes or is derived from proceeds traceable to the offenses. The property to be forfeited includes, but is not limited to, the following:

United States Currency and Other Property Involved In or Traceable to the Offense

Approximately not less than \$10,000.00 in United States currency, and any interest and proceeds traceable thereto, representing property involved in the charged offenses and the net proceeds obtained by defendant **ERIC GATHINGS**, in that such sum in aggregate, was involved in the charged offenses, and was involved in, and constitutes or is derived from, proceeds traceable to the offenses set forth in Counts One and Two (Commercial Sex Trafficking).

Substitute Assets

If any of the property described above, as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;

- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), up to the value of the above forfeitable property.

All pursuant to 18 U.S.C. §§ 982(a)(1), 1591, 1593(b)(4), 1594(d), and 28 U.S.C. § 2461(c).

A TRUE BILL.

3/2/11

DATE

/s/ Carver K. Bonine

FOREPERSON OF THE GRAND JURY

/s/ Cynthia L. Cordes
Cynthia L. Cordes
Assistant United States Attorney